

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JOHN FEEZOR,

Plaintiff,

vs.

JOHN F. WIELAND, J.T. McMICKLE,
JOHN WIELAND HOMES AND
NEIGHBORHOODS OF THE CAROLINAS,
INC., AND JOHN WIELAND HOMES AND
NEIGHBORHOODS, INC.,

Defendants.

Case Action No.: 3:12-cv-00092-GCM

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff John Feezor's Motion for Order of Attachment filed on August 28, 2012 (Doc. No. 19).

IT APPEARING TO THE COURT that the affidavit submitted by Plaintiff fully complies with North Carolina General Statutes § 1-440.11(a); and

IT FURTHER APPEARING TO THE COURT that based upon Plaintiff's affidavit and North Carolina law, Plaintiff is entitled to attachment in this case, and therefore Plaintiff's Motion for Order of Attachment should be granted; and

IT FURTHER APPEARING TO THE COURT that pursuant to North Carolina General Statutes § 1-440.10, before an Order of Attachment will be entered, Plaintiff must furnish a bond in the amount of \$ 100,000.00, which bond the Court deems necessary in order to afford reasonable protection to Defendant John Wieland Homes and Neighborhoods of the Carolinas, Inc. The bond shall be payable to the Clerk of Court for the United States District Court for the Western District of North Carolina. The condition of the bond shall be that if the Order of Attachment is dissolved, dismissed, or set aside by the court, or if the Plaintiff fails to

obtain judgment against Defendant John Wieland Homes and Neighborhoods of the Carolinas, Inc., the Plaintiff will pay all costs that may be awarded to Defendant John Wieland Homes and Neighborhoods of the Carolinas, Inc., and all damages that such Defendant may sustain by reason of the attachment, the liability of the surety, however (if any), to be limited to the amount of the bond.

NOW, THEREFORE, Plaintiff John Feezor's Motion for Order of Attachment is hereby **granted.** Before such Order of Attachment will entered, Plaintiff shall pay a bond in the amount of \$ 100,000.00 to the Clerk of Court for the United States District Court for the Western District of North Carolina. Upon payment of such bond, the Court will enter the requested Order of Attachment.

This the 30th day of August, 2012.

Lawrence C. Muller
U.S. District Judge